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**1 — Many homeowners unaware they lived in reservoir 'flood pools', Houston Chronicle, 9/26/17**

<http://www.houstonchronicle.com/news/houston-texas/houston/article/Many-homeowners-unaware-they-lived-in-reservoir-12231188.php>

Harris and Fort Bend counties and the city of Houston approved construction of thousands of homes near the reservoirs, even though county leaders and engineers have known since the 1990s that the properties could be inundated by flood pools in a major storm, according to public documents and interviews.

**2 — Kingwood woman confirmed as Harvey death from flesh-eating bacteria, Houston Chronicle, 9/26/17**

<http://www.chron.com/houston/article/Kingwood-woman-confirmed-as-Harvey-death-from-12230105.php?ipid=hpctp>

A Kingwood woman who became ill after falling into Harvey floodwaters at home died from flesh-eating bacteria, the Harris County medical examiner's office ruled.

**3 — Harvey flood victims hope special wristbands will help scientists understand environmental exposures, Houston Chronicle, 9/27/17**

<http://www.houstonchronicle.com/news/houston-texas/article/Harvey-flood-victims-hope-special-wristbands-will-12230622.php>

About 150 Texas residents have enrolled so far in a study aimed at cataloging the amount of chemicals they are exposed to — and the potential health impacts — as a result of contamination related to Harvey, be it from the 13 Superfund sites in and near Houston, the oil and gas refineries or the millions of gallons of sewage that leaked from wastewater treatment plants.

**4 — NNSA says no safety impact from plutonium violation at Los Alamos, Albuquerque Journal, 9/26/17**

<https://www.abqjournal.com/1069392/nnsa-says-no-safety-impact-from-plutonium-violation-at-los-alamos.html>

The National Nuclear Security Administration is backing up Los Alamos National Laboratory in its statement this week that a recent safety violation did not pose a risk of an accidental nuclear fission chain reaction.

**5 — Electrical substation erupts in flames at St. James Parish refinery; no injuries reported, Baton Rouge Advocate, 9/26/17**

[http://www.theadvocate.com/baton\\_rouge/news/communities/ascension/article\\_f371ea42-a327-11e7-956b-938afc9236d8.html](http://www.theadvocate.com/baton_rouge/news/communities/ascension/article_f371ea42-a327-11e7-956b-938afc9236d8.html)

An electrical transformer that supplies power to the Shell Oil refinery in St. James Parish caught fire Tuesday night, leading to an uncontrolled shutdown that refinery workers had to scramble to control, parish officials said.

**6 — Hearing examiner recommends Oklahoma City receive permit for Sardis water, The Oklahoman, 9/26/17**

<https://newsok.com/hearing-examiner-recommends-oklahoma-city-receive-permit-for-sardis-water/article/5565582>

Oklahoma City is entitled to a permit for water from the Sardis Lake reservoir in southeastern Oklahoma's Kiamichi River basin, a hearing examiner has concluded.

**7 — Mining cleanup successes cited, but more work remains, Joplin (MO) Globe, 9/26/17**

[http://www.joplinglobe.com/news/local\\_news/mining-cleanup-successes-cited-but-more-work-remains/article\\_346a5614-9d0b-5bfe-96a4-6af83c61686b.html](http://www.joplinglobe.com/news/local_news/mining-cleanup-successes-cited-but-more-work-remains/article_346a5614-9d0b-5bfe-96a4-6af83c61686b.html)

Numbers cited Tuesday at the opening of the 19th annual National Environmental Conference at Tar Creek were large, but the environmental experts involved in the federal and state cleanups say there still much work to be done to deal with legacy of the Ottawa County portion of the former Tri-State Mining District.

**8 — Public Comment Period Closes for Clean Water Rule, Public News Service, 9/27/17**

<http://www.publicnewsservice.org/2017-09-27/water/public-comment-period-closes-for-clean-water-rule/a59581-1>

The public has one final day to submit comments on the 2015 Clean Water Rule, which clarifies where the Clean Water Act applies. The rule is a safeguard put in place during the Obama administration to protect the country's rivers, streams and drinking-water supplies. However, current Environmental Protection Agency chief Scott Pruitt has said the rule has to go to remove onerous regulations on businesses and farms.

**9 — When next oil disaster strikes, the Gulf Coast will be ready, researchers say, Baton Rouge Advocate, 9/26/17**

[http://www.theadvocate.com/baton\\_rouge/news/environment/article\\_68f70658-a2bf-11e7-bcb2-2393d1f98588.html](http://www.theadvocate.com/baton_rouge/news/environment/article_68f70658-a2bf-11e7-bcb2-2393d1f98588.html)

BP gave the Gulf of Mexico Research Initiative \$500 million to study the Gulf of Mexico in the wake of the 2010 Deepwater Horizon oil disaster, and this latest round includes \$35 million for eight research consortia and \$15 million for 23 small research teams.

**10 — OPINION: The EPA can fix Superfund, The Hill, 9/26/17**

<http://thehill.com/opinion/energy-environment/352540-the-epa-can-fix-superfund>

Over the 37- year life of Superfund the basic problem has been site cleanups take too long and cost too much. The good news is that Administrator Scott Pruitt has put a high priority on completing Superfund sites in a timely and cost-effective manner.

**11 — Pill-disposal bottle wins SBA honor, Northwest Arkansas Democrat-Gazette, 9/27/17**

<http://www.nwaonline.com/news/2017/sep/27/pill-disposal-bottle-wins-sba-honor-201/?business>

A small company based in Siloam Springs won the Outstanding Green Business Award from the National Small Business Administration's SCORE program for its goal to reduce water contamination with a small bottle that consumers can use to throw away old medicine.

**12 — Final settlements reached in 2013 blast at CF Industries plant; two subcontractors subject to multimillion dollar agreements, Baton Rouge Advocate, 9/26/17**

[http://www.theadvocate.com/baton\\_rouge/news/article\\_acd603e0-a212-11e7-bf9e-1342b93af3be.html](http://www.theadvocate.com/baton_rouge/news/article_acd603e0-a212-11e7-bf9e-1342b93af3be.html)

The last two plaintiffs injured in a June 2013 nitrogen gas explosion at the CF Industries fertilizer complex near Donaldsonville reached undisclosed, multi-million dollar settlements with Cetco Energy Services and Airgas over the deadly incident at the Mississippi River plant.

**13 — Hurricane Lee is now the 5th major hurricane in 2017, New Orleans Times-Picayune, 9/27/17**

[http://www.nola.com/hurricane/index.ssf/2017/09/lee\\_major\\_hurricane\\_5th\\_2017.html#incart\\_river\\_index](http://www.nola.com/hurricane/index.ssf/2017/09/lee_major_hurricane_5th_2017.html#incart_river_index)

Hurricane Lee is now a Category 3 storm, making it the fifth major Atlantic hurricane of the 2017 season. Lee is not expected to affect land.

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# Many homeowners unaware they lived in reservoir 'flood pools'

**Officials knew major storm could inundate homes**

By **Lise Olsen** | September 26, 2017 | Updated: September 27, 2017 9:08am

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**Andy Meyers**  
Fort Bend County  
Commissioner



Homeowners in the Cinco Ranch area – and in other neighborhoods in Harris and Fort Bend Counties were flooded because they live in what's called a flood pool near Barker and Addicks reservoirs. Many claim that they were uninformed about the reservoir when they purchased their homes.

Media: Dave Funchess, Houston Chronicle

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Hong Soule and her husband Charles bought their two-story house in Cinco Ranch Equestrian Village for its views of George Bush Park.

Soule, a native of Shanghai, gazed at that vast green space and saw fresh air, playgrounds, soccer fields and a dog park. She didn't realize this bucolic setting was part of a reservoir - a lake bottom just waiting to fill. It took Hurricane Harvey to make that clear.



During the storm, Soule and her three children were stranded by rising floodwaters in their neighborhood, where people were taken to safety in military trucks.

Soule was among 31,000 property owners in Harris and Fort Bend counties who learned during Harvey's mass evacuations that their homes lie in what the federal government considers emergency lake beds behind the Barker and Addicks dams. Engineers call them "flood pools."





Photo: Mark Mulligan, Houston Chronicle

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**IMAGE 1 OF 81**

Homes in the Cinco Ranch area are surrounded by water from Barker Reservoir, Saturday, September 2, 2017, in Houston. (Mark Mulligan / Houston Chronicle)

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The two earthen dams were erected by the Army Corps of Engineers in the 1940s to protect downtown Houston after flooding wrecked the city in 1935. Unlike traditional "lake-forming" dams, the reservoirs are not clearly defined and are dry much of the year. The water they impound during heavy rains sprawls west across flatland into what was once open prairie. The flood pool grows depending on rainfall and on how much water the Army Corps releases through the dams' gates.

At least 4,000 houses, apartment buildings and businesses west of the Barker Reservoir were damaged during Harvey, according to preliminary estimates by county officials. In the hardest-hit neighborhoods, floodwater rose more than 5 feet and did not recede for a week or more. Authorities have not yet released damage estimates for the area around Addicks.

Homeowners in the reservoir area, many of whom do not have flood insurance, worry about what the next downpour will bring.



The threat to these suburban subdivisions has been years in the making, a Chronicle review found.

Harris and Fort Bend counties and the city of Houston approved construction of thousands of homes near the reservoirs, even though county leaders and engineers have known since the 1990s that the properties could be inundated by flood pools in a major storm, according to public documents and interviews.

Subdivisions kept sprouting even as bigger and more frequent storms created ever-larger flood pools. Of the 11 biggest pools ever recorded at Addicks and Barker, 10 have occurred since 1990, according to Army Corps records. Harvey generated the biggest pool ever.

Yet public awareness of the danger has been minimal. If a home is within the 100-year flood plain, bank rules and insurance policies require a prospective purchaser to be told. Banks typically will not grant a mortgage for a home within the 100-year-old floodplain unless the buyer takes out flood insurance.



Photo: Melissa Phillip, Houston Chronicle

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At top, homes in the Cinco Ranch area are surrounded by water from the Barker Reservoir. Above, Mary Kent and others questioned the reservoir's overflow.

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A flood pool is different. The Army Corps doesn't require home buyers to be notified of the risk. Nor does Texas law. Nor do federal flood insurance rules. Nor do mortgage lenders' disclosure practices.

Fort Bend County officials began adding small-print warnings about reservoir flood pools to subdivision maps beginning in 1994. But few home buyers consult or even know about the maps, known as plats. Harris County, which has far more properties at risk from the flood pools, never added warnings to its subdivision maps.

"We had no idea - we were not told," Soule said. "Why did they build a house here if they knew it was inside a flood pool? If we would have known, we would not have purchased this house."



### Ada, OK: This Brilliant Company Is Disrupting A \$200 Billion Industry



### *Shocking discovery*

The Army Corps can control the size of the flood pools by releasing water through the dams' gates. But the overriding purpose of Addicks and Barker, as Corps documents make clear, is to protect the center of Houston. Even limited releases damage properties downstream.

Over the years, the Army Corps permitted parks, public roads, baseball fields, golf courses, a small zoo, paved parking lots and other amenities to be built on government land within the two reservoirs. This effectively disguised the real purpose of this rustic acreage and made the area more appealing to developers and home buyers.

In other states, the Corps has acquired easements near dams and levees to compensate property owners for areas where it expects to divert or store floodwaters. A class action lawsuit filed in federal court on behalf of homeowners affected by the Barker and Addicks flood pools contends that the Corps should have done the same here.

In a 2009 master plan, the Corps acknowledged that parks as well as public roads and a YMCA camp located on and next to government-owned land in the two reservoirs could be subject to long-term flooding. The master plan included maps indicating that privately owned land around Barker and Addicks could also be inundated for as long as 49 days in a 100-year flood event.

That report did not list any neighborhoods by name.



Photo: Melissa Phillip, Houston Chronicle

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Kanani Hoover stands at the back door where the watermark is shown on her flooded Bear Creek Village home, which sits on the north edge of the Addicks Reservoir.

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The specific subdivisions most at risk were identified only at the height of Harvey, when Harris and Fort Bend county officials released a list of more than 100 neighborhoods subject to "voluntary evacuation" because of the Army Corps' decision to limit releases from the reservoirs. By then, streets already had flooded in many neighborhoods, making it impossible to get out by car.

The evacuation orders affected more than 31,000 homes and more than 140,000 people, the Chronicle estimated by studying flood pool maps and census data.

Many of those residents were shocked to discover that their properties were within reach of a reservoir flood pool. That's partly because Texans are accustomed to using the 100-year flood plain to define the geography of risk.

The flood plain is determined in large part by elevation and proximity to creek beds and rivers. Flood pool boundaries depend more on Army Corps decisions about how much water to release and how much to hold back. Pools can grow quickly and without warning, depending on weather conditions and Corps decisions.

Kanani Hoover learned the difference during Harvey. She lives in Bear Creek Village, on the north edge of Addicks Reservoir. She evacuated early, because she knew she lived in the 100-year flood plain. She and her 15-year-old son and their dog had gotten trapped in a bedroom by rising water during the Tax Day floods of April 2016. "I didn't want to put my son through that again."

The three were staying in the Wyndham Hotel off Texas 6 on Sunday, Aug. 27, when Harris County officials posted online a map of streets that could be submerged by the Addicks Reservoir pool. Hoover pored over an image that showed streets shaded in a rainbow of colors. Her sister, Tiffany, lived in

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## RELATED

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the same neighborhood. Her entire block appeared in red - a danger zone.

Hoover texted her sister to get out.

U.S. Rep Ted Poe, R-Texas, who represents Bear Creek Village, said he learned about the danger posed by flood pools after the Tax Day flood, when constituents complained to him that reservoir water had spilled into their homes and streets. Poe has a mailing list of hundreds of affected homeowners and has pushed for studies and dam improvements.

At a town hall organized by Poe last year, Richard Long, supervisory natural resources manager for the Army Corps' Galveston District, drew gasps when he told homeowners that it was not a matter of *if* Addicks Reservoir would flood their homes, but *when*

After Harvey, about 400 frustrated Bear Creek area residents crowded into an elementary school cafeteria for another town hall organized by Poe, this one featuring Col. Lars Zetterstrom, commander of the Corps' Galveston district.

Zetterstrom told the crowd that the reservoir's flood pool had never before damaged homes.

"In the 70-year history of the Addicks dam and reservoir, Hurricane Harvey was the first time water was retained inside the reservoir that impacted anyone's structures," Zetterstrom replied.

The crowd erupted: "No!" "What?"

Zetterstrom said previous flooding was caused by water flowing through the Addicks watershed, not by water impounded in the



**Harvey caused sewage spills**



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**Lack of infrastructure, regulation made Houston vulnerable**



**How the Barker and Addicks dams work**

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## TRANSLATOR

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reservoir. Many in the crowd were unconvinced.

button below.

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Corps officials did not respond to questions about the Corps' decisions during Harvey or its management of the reservoirs. The agency canceled an interview with Long and referred questions to a spokesman for the U.S. Department of Justice, who declined comment.

Before Harvey, few homeowners near the reservoirs knew they faced any risk from the flood pool.

Poe said rules about notification have to change. "I think we have to, as a community, understand that there needs to be some kind of notice about the flood pool. First of all, they don't know they may get flooded. And second, they don't know the reservoir is there not to protect them but to protect the city of Houston downstream," Poe said.

### ***\$100,000 in repairs***

Sherry Mack, 69, didn't know about flood pools either - and she's been in the real estate business for three decades.

Mack picked her 1,800-square-foot bungalow because it's next to Bear Creek Pioneers Park, on the northern border of Addicks. Mack, who can't swim and depends on an electric wheelchair to get around, was asleep when water entered her house during the 2016 Tax Day flood. She managed to escape as water surrounded the hospital bed she uses at home.

By August 2017, Mack, a researcher for a title company, had spent \$100,000 to repair that damage and modify her entire house so she could live comfortably with her disability. Mack lost the ability to walk after contracting a rare retrovirus more than a decade ago.

A day before Harvey hit, she evacuated to a friend's home on higher ground.

## **How Addicks, Barker dams keep Houston safe**

*Water flows downward into creeks and streams in Addicks and Barker watersheds, kept behind large earthen dams. The dams control flow into Buffalo Bayou, which keeps downtown Houston from flooding. Too much*

*water on both sides, and the flow is impacted. That's complicated by the Houston Ship Channel, which is actually pushing water into Buffalo Bayou backwards. This week rising pool levels in Barker Reservoir and Addicks Reservoir spilled over into adjacent subdivisions that sit against the dams, shown below.*

### Subdivisions Impacted by Rising Barker and Addicks Reservoir ... ☆



Map data ©2017 Google, INEGI [Terms](#) 5 mi

Map created by data reporter John D. Harden

Source: Harris County Flood Control District

High water kept her away for a week. She returned to find her home in ruins. The waterline reached high above the handicapped-accessible sinks and cabinets in her renovated kitchen. Freshly painted walls were caked with mud and speckled with mold.

Mack has spent decades reviewing property transactions, but she had never heard of a flood pool - until Harvey.

Disclosure of flood pool risk should be required whenever property changes hands, she said. "Anywhere you're in the vicinity of a dam, lake or creek, you should have mandatory flood insurance," Mack added.

## *'Oh, my goodness'*

Addicks and Barker dams were built to hold back floodwaters from Buffalo Bayou and from creeks that enter the city from the northwest. The Corps' original plan included a third dam and additional property that was never acquired. In those days, it didn't matter much if, in a downpour, a large pool spread across the Katy Prairie to spare the Bayou City from harm.

By the late 1970s, city of Houston leaders had approved subdivisions alongside Addicks Reservoir, located north of Interstate 10. In the late 80s and early '90s, an influential developer built the first big planned community in what had been a rural area on the west side of Barker Reservoir, south of I-10. He dubbed it Kelliwood after his daughter.

In 1994, Fort Bend County began including a warning on public maps of subdivisions near Barker Reservoir that the area is "subject to extended controlled inundation under the management of the U.S. Army Corps of Engineers." The warning was first reported by the Dallas Morning News.

The language grew out of debate among engineers about whether the county should have allowed Kelliwood to be built so near the reservoir, according to Fort Bend County Judge Bob Hebert.

Officials worried that the county could be sued if it tried to restrict development, but they also wanted to warn developers and the public about the risks of building in a flood pool, said Fort Bend County Commissioner Andy Meyers.

The flood pool warning appeared on subdivision maps for properties in Fort Bend - but not those in Harris County. Cinco Ranch, a big planned community west of Barker, includes neighborhoods in both counties.

Meyers, the Fort Bend County commissioner whose territory includes Barker, said he believes most homeowners never saw the subdivision maps and that much stronger language should now be included in public records and in all property transactions. Meyers said he'd also like to see warning signs posted in neighborhoods and parks in or near the reservoirs.

Susan Minke, a land broker, worked on major deals that led to the development of parts of Cinco Ranch and Grand Lakes - two of the largest mass planned communities in the Barker Reservoir area that flooded. Minke said she'd never heard of flood pools.

"Oh, my goodness," she said. "I think I would not be able to sell land for a master planned community if every homeowner had to get this notice that they would be subject to potential inundation by the Army Corps of Engineers."

Rick and Laura Mendenhall bought their three-bedroom home in a golf course community called Fairways at Kelliwood in 2011. They were empty-nesters and wanted to downsize, and they liked the trails that wind through the neighborhood and into parks in Barker Reservoir. They took out flood insurance, even though the house was outside the 100-year-flood plain.

During Harvey, they and most of their neighbors had to be rescued by boat. Among the possessions they managed to save were the closing documents from their home purchase. They re-examined them at the Chronicle's request - and found no mention of flood pools.

They had never seen the warning that appears on the subdivision map until the Chronicle sent them a copy.

### ***Had to be rescued***

One of the few hints that George Bush Park is in a flood pool is a small sign on Westheimer Road, just outside the park. It says "reservoir."

Soule, a stay-at-home mom who moved to Cinco Ranch in 2003, didn't worry about flooding until the Tax Day flood submerged Westheimer Road. She called to ask about flood insurance and her agent talked her out of buying a policy - she wasn't in the flood plain.

When Harvey struck, Soule's husband, a safety manager, was out of state working at a refinery. Soule, her three children and her parents were sheltering in place. No one told them when county officials issued a voluntary evacuation order for their neighborhood. Soon, the streets were flooded.

Soule's 4-year-old son and her parents, both in their 70s, were rescued by volunteers with an orange rubber raft. Soule and her two daughters, ages 10 and 14, waded through deep water and climbed into the bed of a military truck. Soon all six were all deposited, soaked through, in the parking lot of an H-E-B supermarket. There they waited for a bus that never arrived and a shelter that never materialized. Eventually, friends came to help.

By the time they returned, the reservoir had wrecked their home.

**Chron** <http://www.chron.com/houston/article/Kingwood-woman-confirmed-as-Harvey-death-from-12230105.php>

## Kingwood woman confirmed as Harvey death from flesh-eating bacteria

Woman infected in flood-ravaged home

By **Cindy George** and **Todd Ackerman** Updated 10:33 pm, Tuesday, September 26, 2017



**Now Playing:** Northeast Houston Remains Underwater

IMAGE 1 OF 50

Nancy Reed, 77, died on Sept. 15 of "flood-necrotizing fasciitis" complicating blunt trauma of an upper extremity via an accident, according to the Harris County Institute of Forensic Sciences. She is the [... more](#)

A Kingwood woman who became ill after falling into Harvey floodwaters at home died from flesh-eating bacteria, the Harris County medical examiner's office ruled.

Nancy Reed, 77, died on Sept. 15 of flood-related necrotizing fasciitis, an infection that spreads quickly through muscle tissue and can cause organ failure.

Reed was the second known case of the bacteria related to the floodwaters from Hurricane Harvey. Rescuer J.R. Atkins, a former firefighter and medic, was contaminated through an insect bite on his arm while helping Missouri City neighbors. He survived.

"It's tragic," said Dr. David Persse, director of the city's emergency medical services. "This is one of the things we'd been worrying about once the flooding began, that something like this might occur. My heart goes out to the family."



According to the Centers for Disease Control and Prevention, necrotizing fasciitis is a serious bacterial skin infection that kills the body's soft tissue, spreads quickly and can be fatal in a short time. Prompt diagnosis and treatment with antibiotics can prevent death.

The infection is not considered a reportable disease in Texas, meaning doctors or laboratories who diagnose it are not required to alert health authorities. But they are required to report many of the organisms that cause the disease — streptococcus, E. coli, vibrio vulnificus and certain types of drug-resistant staphylococcus.

Strep is the most common cause of flesh-eating bacteria. Vibrio is the most common in salt water.

Since 2010, the CDC has documented 700 to 1,100 cases of necrotizing fasciitis annually caused by group A strep, but details were not immediately available how many deaths were caused by the infection.

Reed fell at her son's home in Kingwood, breaking and cutting her arm, according to a source. She was treated at Memorial Hermann Hospital - The Woodlands and then taken to Memorial Hermann Hospital - The Woodlands Center, where she died.

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The Harris County Institute of Forensic Sciences confirmed the death was complicated by the blunt trauma to her head, which was not officially linked to Hurricane Harvey. More than 75 deaths statewide.

**Now Playing:** Northeast Houston Remains Underwater

Reed was remembered during a memorial service on Friday at First Presbyterian Church of Kingwood.

According to her obituary, Reed was a community volunteer and chief executive of the LivingTributes.com website of online memorials to the deceased. She was widowed with one son, John Reed.

Born in Pittsburgh, Pennsylvania on Jan. 4, 1940, she was a former elementary school teacher and worked at The Reed Agency with her husband, Gary, until he died in 1999. She was also president of the Reed Foundation.

"Nancy was a kind, caring member of the Kingwood community and gave of her time and many talents generously," her obituary said.

She was active in her church, serving on multiple committees, and worked with the Village Learning and Achievement Center and the Upbring Krause Children's Center.

Her relatives could not be reached for comment.

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**HEARST**





# Harvey flood victims hope special wristbands will help scientists understand environmental exposures

Alex Stuckey | September 27, 2017 | Updated: September 27, 2017 7:00am

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Photo: Michael Ciaglo, Houston Chronicle

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#### IMAGE 1 OF 3

Baylor College of Medicine clinical research manager Georgina Armstrong, second from left, and associate director for cancer prevention and population science Melissa Bondy, right, explain their Hurricane ... [more](#)

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Ever since Hurricane Harvey filled Debra Townley's home near Meyerland with 16 inches of water — taking 30 years of memories with it — she's noticed a change in her health.

Her voice has gone hoarse and gravelly. She's tired and sore. Her husband has seemed down, even more than you'd expect for someone who's just lost everything to one of the worst storms in U.S. history.



They're both going to the doctor Friday, she said, but she's still worried about what she was exposed to — and the long term effects — when the swampy, bacteria-loaded water filled her home last month.

So Tuesday, the 63-year-old enrolled at Baylor College of Medicine in a study that will track the chemicals she comes in contact with as she begins the arduous process of rebuilding her life.

All it takes is a rubber bracelet around her wrist and seven days of going about her business.

"It's better to know than not," said Townley, a research coordinator at the college. "That was not clean water coming into my house."

Townley is one of about 150 Texas residents who have enrolled so far in a study aimed at cataloging the amount of chemicals they are exposed to — and the potential health impacts — as a result of contamination related to Harvey, be it from the 13 Superfund sites in and near Houston, the oil and gas refineries or the millions of gallons of sewage that leaked from wastewater treatment plants.

The silicone bracelets, which look like the Livestrong bracelets worn by many in the early 2000s, were developed at Oregon State University about five years ago to mimic the absorption process of a human cell. The wristbands' porous material can trap more than 1,500 organic chemicals,

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#### TRANSLATOR

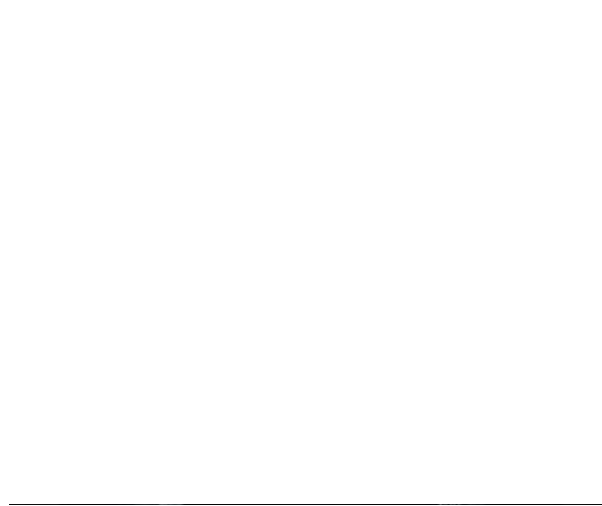
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such as pesticides, benzene and flame retardants, that it and its wearer come in contact with, said Kim Anderson, an environmental chemist in OSU's College of Agricultural Sciences.



"It's almost like a sponge," Anderson said.

Oregon State officials reached out to Baylor College of Medicine after Harvey made landfall last month, with the idea of having residents wear the bracelets in the aftermath of Harvey.

Baylor jumped at the opportunity, providing an undisclosed amount of funds to start the process, said Cheryl Lyn Walker, director for Baylor College of Medicine's Center for Precision Environmental Health. Officials with UTHealth-School of Public Health and Texas A&M University also are collaborating on the project.

Researchers hope to get about \$1 million in federal grant money as the study goes on, but Walker said they currently can afford to hand out only about 200 bracelets.

They began that process last week, going to areas including Baytown, east Houston, the Highlands Community and the Addicks reservoir communities, Walker said. Baylor College of Medicine employees and students, including Townley, also signed up on campus early this week.

Each resident who received a bracelet was asked to fill out a health questionnaire, submit to a nasal swab and spit sample, as well as provide a fecal sample. At the end of the seven days, participants bring their bracelet back to Baylor and officials will send them to Oregon State for analysis.

Oregon State then will provide a customized report to each participant, according to an OSU news release, as well as aggregate the findings for the overall study.

Dependent on federal funding, Walker said officials plan to stay in contact with the participants over the next six to 12 months in order to track any health changes they may experience.



**Ada, OK: This Brilliant Company Is Disrupting A \$200 Billion Industry**

EVERQUOTE

This will be helpful, she said, because researchers don't know for sure the effects of that kind of exposure.

Researchers think that "the closer you are to a flooded site with hazardous chemicals, you are more at risk," Walker said. "The reason this is so valuable is because we don't know that that's what is actually occurring. So we're going to find out."

Scientists likely will get a lot of data from Townley, who currently is camping in her backyard. Her home is uninhabitable, she said, and the family lost nearly everything, with exception of their trucks.

She expects to be camping for the next six months as they rebuild, she said.

"Anything that can be restored, we're restoring," she said. "But a lot of things you just have to let go."

She's hopeful her health isn't one of those things.

Delivery alert until NaN

## NNSA says no safety impact from plutonium violation at Los Alamos

By Mark Oswald / Journal Staff Writer

Published: Tuesday, September 26th, 2017 at 5:18pm

Updated: Tuesday, September 26th, 2017 at 5:49pm



Plutonium pits – triggers for nuclear weapons – are cast at Los Alamos National Laboratory in 2011. None have been made since then but the lab is under orders to make 80 a year by 2030. (COURTESY LANL)

SANTA FE, N.M. — The National Nuclear Security Administration is backing up Los Alamos National Laboratory in its statement this week that a recent safety violation did not pose a risk of an accidental nuclear fission chain reaction.

“At no time was there any risk of an inadvertent criticality,” said a statement from an NNSA spokesman. “There was also no risk of injury or exposure to the workforce or public. The laboratory has since taken steps to help prevent a similar event in the future, and the qualifications of the workers involved were suspended pending rigorous retraining.”

A recent report by the oversight Defense Nuclear Safety Facilities Board says that in August, a LANL crew that had cast a shell for a plutonium “pit” — the trigger for a nuclear weapon — moved it “into a location that already contained plutonium metal,” exceeding plutonium limits. The board described the incident as a “criticality safety event.”

When too much plutonium is put in close quarters, a criticality reaction, producing a potentially fatal blast of radiation, can take place. In this case, the plutonium limit violation was discovered five days later when the pit shell was moved again.

The NNSA said Tuesday “there are multiple layers of defense to prevent accidents involving these materials,” accounting for “the fact that people will occasionally make mistakes and that equipment will occasionally malfunction.

“All violations of operating procedures and equipment failures, however, are examined closely to minimize recurrence, even when those incidents have no impact on the safety of the workers, facility, or the public,” the statement said. It said “there has not been a nuclear criticality accident at a Department of Energy nuclear facility in nearly 40 years.”

Greg Mello, of the Albuquerque-based Los Alamos Study Group advocacy and research organization, said in response to the NNSA statement that if there was no problem with LANL’s plutonium limit violation, “why did NNSA and LANL have the rules in question, the rules that were violated?

“Does NNSA encourage its contractors to violate its rules? To violate posted material limits?”

**Contact the writer.**

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# Hearing examiner recommends Oklahoma City receive permit for Sardis water



by William Crum • Published: September 26, 2017 12:30 PM CDT • Updated: September 26, 2017 3:57 PM CDT

Oklahoma City is entitled to a permit for water from the Sardis Lake reservoir in southeastern Oklahoma's Kiamichi River basin, a hearing examiner has concluded.

Balancing Oklahoma City's need for Sardis water against Kiamichi basin conservation needs was central to last year's historic agreement among the city, state and tribes to manage southeastern Oklahoma water resources.

The recommendations by hearing examiner Lyn Martin-Diehl will be considered by the Oklahoma Water Resources Board. Martin-Diehl's report on her findings and conclusions was released Tuesday.

Oklahoma City is seeking a permit for up to 115,000 acre feet of water per year. The city has storage rights to Sardis water and first applied for a permit to appropriate water from the reservoir in 2007.

Water is to be diverted from the Kiamichi River at Moyers Crossing in Pushmataha County, downstream from Talihina and above Antlers, for transfer by pipeline to Lake Stanley Draper.

The city has plans to expand the Atoka pipeline to accommodate its future needs.


Oklahoma City's city manager, Jim Couch, calls the Sardis water "generational water" that will help sustain Oklahoma City's growth well into the future.


It will be a number of years before the city has the infrastructure in place to divert and transfer the Sardis water from southeastern Oklahoma.

The city plans in excess of \$1 billion in investments, including upgrades of the 50-year-old Atoka pipeline and construction of a second, parallel pipeline on the 100-mile pipeline right of way.


Other infrastructure investments are to tie the Kiamichi River diversion point into the city's other southeastern Oklahoma reservoirs, McGee Creek and Lake Atoka.

Martin-Diehl wrote that the water sought by Oklahoma City is available for appropriation from Sardis and found that Oklahoma City plans to put it to "beneficial use," a key requirement under the law for obtaining a permit to take water from streams.


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With proper management under terms of last year's water settlement, Martin-Diehl found, Oklahoma City's use of Sardis water would not interfere with the needs of water users in the Kiamichi stream system.

Sardis Lake impounds water from Jack Fork Creek, a tributary of the Kiamichi River.

Local impacts

The Kiamichi flows from the Ouachita Mountains near the Arkansas border to its confluence with the Red River south of Hugo.

Opponents of the permit argued at a hearing in August that Oklahoma City's appropriation of Sardis water would interfere with the Kiamichi's flow, especially in dry years, adversely affecting wildlife and tourism.

Martin-Diehl wrote that those contentions were either not supported by the hearing record or the law, or were beyond the scope of the Oklahoma Water Resources Board's jurisdiction.

Securing the permit for Sardis water is one of a number of steps required to finalize last year's water settlement among the city, the state of Oklahoma, and Choctaw and Chickasaw nations.


The settlement is intended to end litigation over management of southeastern Oklahoma water.

It includes detailed plans for managing Sardis Lake reservoir levels and Kiamichi River streamflows, and provides for a tribal role in resource management across the region.



The settlement agreement needed congressional approval. President Barack Obama signed the legislation ratifying it last December.

Craig Keith, the lead attorney on water issues in the city attorney's office, said Martin-Diehl's proposed order "reflects that Oklahoma City has met all requirements" under state law for the permit.

He said terms preserve a 20,000-acre-foot set-aside for local water needs and protect existing rights in the Kiamichi basin to household water and water for irrigation, livestock and other uses.



William Crum



OU and Norman High School graduate, formerly worked as a reporter and editor for the Associated Press, the Star Tribune in Minneapolis, and the... read more >

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# Electrical substation erupts in flames at St. James Parish refinery; no injuries reported

BY DAVID J. MITCHELL | DMITHCELL@THEADVOCATE.COM SEP 26, 2017 - 9:02 PM



Image from video

David Mitchell

An electrical transformer that supplies power to the Shell Oil refinery in St. James Parish caught fire Tuesday night, leading to an uncontrolled shutdown that refinery workers had to scramble to control, parish officials said.

St. James Parish Sheriff Willy Martin Jr. said the Entergy substation where the transformer is located is the main power supply to the 227,500-barrel oil refinery in Convent. The transformer's loss cut power to portions of the huge complex along the Mississippi River and at the parish line, he said.

The transformer fire started about 8 p.m. and was extinguished later Tuesday night, parish officials added.

*Story Continued Below*

Shell said in a statement that after the fire started, it "initiated its emergency response plan, which included immediately deploying personnel to respond to the incident."

Francis Hymel, St. James Parish homeland security director, said plant officials assured the parish Tuesday night that they were trying to get the plant back online.

Martin said there were no offsite impacts. Shell said that all its personnel were accounted for and no injuries occurred.

Hymel said the substation where the fire happened is outside the plant in Ascension Parish. Michael Burns, Entergy spokesman, said that while the substation is Entergy's, Shell owns the transformer that burned.

The refinery, previously part of Shell's Motiva joint venture with Saudi Aramco, went fully under Shell's ownership earlier this year in a planned break-up of Motiva. But the refinery has sustained other fires in the last 13 months, including a dramatic one inside its H-Oil unit in August 2016 that knocked the unit out for months.

Sheriff Martin said that flames and smoke continued to come from the refinery and were periodically brightening and dimming in the night sky around the plant, though that diminished.

Hymel said the refinery was doing a lot of flaring and other activity while plant workers tried to get additional electrical power to the plant.



"They have a state readiness right now until they get back online," Hymel said.

He said it was too early say what caused the electrical outage. Burns, the Entergy spokesman, said the utility will be working with Shell "to conduct a root cause analysis" of the incident.

Video posted on social media show large flames and smoke near the facility.

Not seeing the video below? Click here. **(NOTE: Contains some graphic language.)**

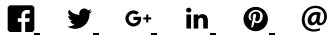


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## Mining cleanup successes cited, but more work remains

19th annual Tar Creek conference underway

By Kimberly Barker kbarker@joplinglobe.com 13 hrs ago



MIAMI, Okla. — Numbers cited Tuesday at the opening of the 19th annual National Environmental Conference at Tar Creek were large.

Millions of tons of chat contaminated with lead and zinc left over from the mining era of the 20th century have been removed from the Tar Creek Superfund site in Ottawa County. Almost 3,000 acres of land have been cleaned up. Chat has been removed from 40 square miles of land in the county.

That said, the environmental experts involved in the federal and state cleanups say there still much work to be done to deal with legacy of the Ottawa County portion of the former Tri-State Mining District.

Put on in the Student Union at Northeastern Oklahoma A&M College, officials brought the public up to speed on the current status of the Superfund site and work remaining.

Rafael Casanova, an environmental scientist with the U.S. Environmental Protection Agency, gave updates cleanup efforts focusing on the chat piles. He began working at the Tar Creek site in 1996 with residential cleanup. Casanova's discussion examined several areas where chat was removed, approximately 40 square miles.

The EPA has cooperative agreements for cleanup action with the Quapaw tribe and the Oklahoma Department of Environmental Quality, and helps fund cleanup efforts. A total of 3,517,503 tons of chat have been removed since the record of decision in 2008. The department has removed 191,953 tons of chat, and the tribe has cleaned up 965,122 tons. A total of 2,925 acres have been cleaned and restored in nine years.

"We still have a long ways to go and a lot of chat to remove," Casanova said. "The total, about 12 percent has gone to chat processors. By that we mean, the chat is taken to a chat processor and that's where we stop. Then, they can process it and sell it. We're hoping that a lot more could be sold. We've also capped about 152 mine shafts, but we still have a ways to go."

Casanova said the next step moving forward is to focus on the "core area," which is where Tar Creek and Lytle Creek meet.

"That interim action will involve removing all of that waste from the riparian areas of the creek," Casanova said. "It could involve sheet piling, levies. We're not sure yet. We're at the early stages of developing a design for that."

### Research

A graduate research assistant at the University of Oklahoma, Heather LePage, was one of numerous panelists to present Tuesday. She is focusing on the effects that heavy metals have on smaller birds in the area.

The new study she's conducting will examine the levels of cadmium, zinc and lead found at the Superfund site and the impact it has on the birds' cognitive abilities. Although a lot of past research has been aimed at baby birds, her study will focus on cognition of adult residential birds.

One of her areas of focus will be about the effects of lead on the birds' reproductive system. Bird populations could be affected, she said, because high levels of lead make the birds have difficulty understanding mating cues.

LePage said if the birds exposed to lead do end up mating, then they wind up passing the same issue along to their offspring.

She soon will be studying birds from Douthat Bridge, an area where Tar Creek runs orange because of the presence of heavy metals. She will compare that data with birds in areas of the Superfund site that have already been cleaned up.

Wednesday 27th of September 2017



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## Public Comment Period Closes for Clean Water Rule



Advocates for the Clean Water Rule worry that its repeal could endanger fishing in Montana. (Bob Wick/BLM)



September 27, 2017

HELENA, Mont. - The public has one final day to submit comments on the 2015 Clean Water Rule, which clarifies where the Clean Water Act applies.

The rule is a safeguard put in place during the Obama administration to protect the country's rivers, streams and drinking-water supplies. However, current Environmental Protection Agency chief Scott Pruitt has said the rule has to go to remove onerous regulations on businesses and farms.

Dave Chadwick, executive director of the Montana Wildlife Federation, said the rule took years to develop through many public meetings and a lot of scientific data.

"It's all been thrown out in a couple of months by an oil-and-gas industry lawyer from Oklahoma," he said. "We really need to have some perspective here about whose interest is the director of the EPA looking after here? And it's increasingly clear that he's not looking after the interests of the American people, fish, wildlife and all the other values that depend on clean water."

The Clean Water Rule protects the headwater, rain-fed, and seasonal streams of drinking water sources for 117 million, or about one in three Americans, according to the EPA. Chadwick said it also protects the Montana waters where folks enjoy world-class fishing. People can go online to [regulations.gov](https://www.regulations.gov) to comment on the rule.

David Brooks, executive director of Montana Trout Unlimited, said he is concerned that repealing the rule already was a foregone conclusion. He said Pruitt put out a video with the National Cattlemen's Beef Association, steering people's comments on the rule.

"Rather than direct the public to the EPA's website and docket to comment," Brooks said, "that video directs people to the National Cattlemen's Beef Association website, where they have a pre-written comment to be submitted that opposes the Clean Water Rule."

Repealing the rule is the first in a two-step process. Chadwick said the EPA will have to submit a new rule for public comment, leaving protections for clean water in limbo.

"Not only is that going to mean major chaos for regulated industries, obviously major chaos for fish, wildlife, everything we value, but it's also going to take time to develop that new definition," he said. "So, in the meantime, our water quality is going to be at risk."

The comments page is online at [regulations.gov](https://www.regulations.gov).

Eric Tegethoff, Public News Service - MT

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# Sun Herald: When next oil disaster strikes, the Gulf Coast will be ready, researchers say

BY PAUL HAMPTON, [jphampton@sunherald.com](mailto:jphampton@sunherald.com) SEP 26, 2017 - 8:34 AM



FILE - In this June 15, 2010 file photo, a member of Louisiana Gov. Bobby Jindal's staff reaches into thick oil on the surface of the northern regions of Barataria Bay in Plaquemines Parish, La.

Among the 31 research projects that will share \$50 million in Gulf of Mexico Research Initiative are three from the University of Southern Mississippi.

BP gave the initiative \$500 million to study the Gulf of Mexico in the wake of the 2010 Deepwater Horizon oil disaster, and this latest round includes \$35 million for eight research consortia and \$15 million for 23 small research teams such as those at USM.

"The findings from these studies benefit society by informing new strategies to prevent and mitigate any negative effects of an oil spill in the Gulf of Mexico, or elsewhere," said Dr. Rita Colwell, Chairman of the GoMRI Research Board.

*Story Continued Below*

The USM teams will track Gulf floor sediment, will attempt to close gaps in what is known about Gulf fish and their diets and will study fish RNA.

“The overall goal of the project is to address major knowledge gaps for the Gulf of Mexico by describing the abundance, distribution and diets of deep water larval (“baby”) fishes and their plankton prey, and how these organisms and their food webs are connected to the upper ocean,” said Frank Hernandez, who’ll lead scientists from USM, the University of Louisiana at Lafayette, and Oregon State University. “Much of what we know about the Gulf of Mexico ecosystem is limited to shallow coastal waters and upper ocean regions, even though over 90 percent of the Gulf of Mexico’s volume occurs at depths greater than 200 meters. The Deepwater Horizon oil spill occurred in the deep Gulf of Mexico, and the lack of baseline data for this region was a major impediment to the damage assessment efforts.”



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He said as oil exploration heads deeper into the Gulf, that increases the chances of another disaster and makes the need for a baseline even more critical. They’ll be studying larvae that chase plankton from the depths of the ocean toward the surface.

“These larval fishes and their prey were likely impacted during the Deepwater Horizon spill; their wide-ranging vertical movements increased the probability of encountering contaminated waters, both at depth and at the surface, and increased exposure to contaminants among other consumers as they themselves were preyed upon,” Hernandez said. “Using plankton samples collected from deep waters of the Gulf in 2010 and 2011, we hope to describe this complex food web and the migration behaviors of fish larvae in order to develop ecosystem models that will allow us to estimate the consequences of Deepwater Horizon and future oil spills.”

Joe Griffitt will be leading a team at the Gulf Coast Research Lab’s new Ocean Springs Toxicology Lab that will be investigating how the genetic material in fish reacts to exposure to oil and dispersants.

“We can look at the expression activity of all of these genes simultaneously,” he said. “We can compare animals exposed to oil to those that weren’t and see exactly what’s happening on a molecular level.”

*For the original story from The (Biloxi) Sun Herald, [click here](#).*



### State needs to leverage BP funds to create new coastal restoration industry, report says



# The EPA can fix Superfund

BY J. WINSTON PORTER, OPINION CONTRIBUTOR — 09/27/17 09:20 AM EDT

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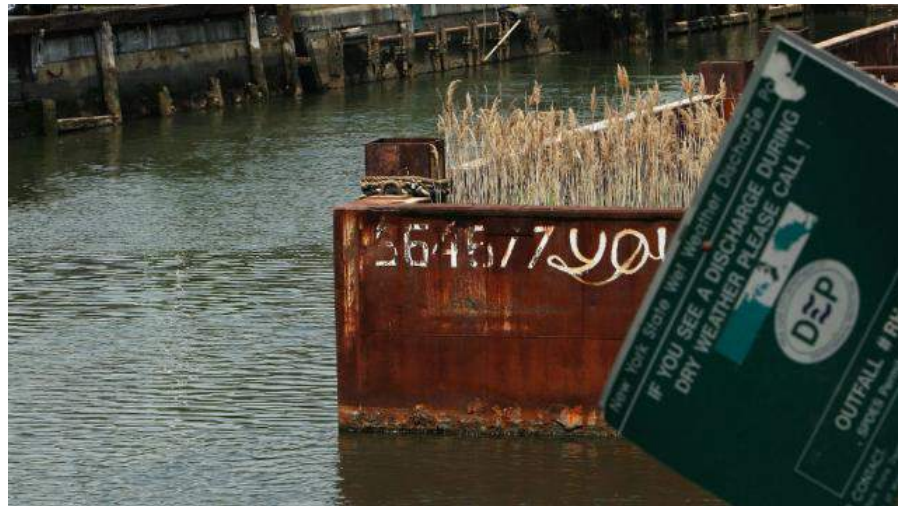
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Many activists are critical of President Trump and his EPA Administrator Scott Pruitt for reducing funds for the Superfund hazardous waste cleanup program. But money is not Superfund's problem.

Actually, over the 37- year life of Superfund the basic problem has been site cleanups take too long and cost too much. The good news is that Pruitt has put a high priority on completing Superfund sites in a timely and cost-effective manner.

I was the EPA assistant administrator in the early days with national responsibility for Superfund, and since then a frequent consultant on hazardous waste sites. My belief is that EPA career staff is generally competent, but what is often missing are EPA presidential-appointees who can ensure that Superfund sites are dealt with effectively.

While Superfund has completed over a thousand contaminated sites, the work completed is not nearly commensurate with the huge public and private dollars spent — well over \$100 billion. Also important, people living near Superfund sites are often unhappy with the excessive times needed to complete the sites.

Here are the steps needed to fix Superfund.

First, the president and Congress need to get the new Superfund chief appointed. The assistant administrator for solid waste and emergency response is the national manager for Superfund. As such, he or she has

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the final authority to approve Superfund cleanups. We need a person with technical and project management skills and a strong bent toward results.

The key is that Superfund remediation is not an exact science, which is why experienced senior managers are needed to deal with such disparate Superfund items as waste toxicity issues, cleanup cost-effectiveness and community reaction matters.

Second, EPA should promptly deal with the most important Superfund problem — the lack of firm deadlines for completing projects. It is actually unusual to have clear deadlines for remedy selection and site completion activities.

Also, EPA senior management should insist that remedy selection for Superfund sites should take place in less than 30 months. The assistant administrator can always allow somewhat more time for very complex sites, like remediation of nuclear weapons facilities.

Unfortunately, at many sites, the study work meanders around for 5 to 15 years without even selecting a cleanup remedy. As for costs, some recent studies, ranging from New Jersey to Oregon, have exceeded \$100 million.

Frankly, much of such lengthy and costly activities is because Superfund has become a lucrative source of work for lawyers and consultants. At a Senate hearing I was once asked by Sen. Frank Lautenberg (D-N.J.) why, after all these years, Superfund cleanups take so long. My answer: At many sites I find few people who really want to finish the project.

Third, the most effective part of the Superfund program has been “emergency removals” and other early actions, which directly correct obvious environmental problems. These early cleanup activities also inform later, more extensive work activities

Unfortunately, the EPA bureaucracy and lawyers for the potentially responsible parties (PRPs) often stymie these early action efforts with such interminable debates as to who will pay what.

Fourth, PRPs caught up in Superfund should be more active and not just with their lawyers and consultants, some of whom tend to string out the process. A more cost-effective approach by PRPs would be to make proposals to EPA for good remedies and then offer to conduct the cleanup work themselves. (They will have to pay anyway someday.)

Over the years, a troubling trend has been for many companies to turn Superfund over to their legal departments. The resultant outside lawyers have increasingly become the de facto Superfund site managers.

Last but not least, the EPA should get rid of “remedy review boards” which were set up years ago to make sure that the “right” site remedy was selected. In other words, EPA middle managers from around the country can second-guess more senior local managers regarding the remedy. This adds time to remedy selection and further confuses the EPA chain of command.

Looking ahead, Superfund sites should increasingly be taken on by appropriate state superfund programs, which are usually much less costly than EPA and closer to the problems. For example, unlike air and water issues, waste site problems usually involve only one state.

*J. Winston Porter, Ph.D., is an energy and environmental consultant based in Savannah, Georgia. He previously served as an assistant administrator of*

# Pill-disposal bottle wins SBA honor

By [Dalton LaFerney](#)

Posted: September 27, 2017 at 2:13 a.m.



A small company based in Siloam Springs won the Outstanding Green Business Award from the National Small Business Administration's SCORE program for its goal to reduce water contamination with a small bottle that consumers can use to throw away old medicine.

Stat-Medicament-Disposal Corp., run by California-born Larry Kenemore Jr., so far does not have any sales, but the recognition from SCORE, a mentorship program for small businesses, is propelling the company to meet its goals.

"We see this award as our launching point," Kenemore said. "We have changed our whole plan of attack of how we're going to do business."

The bottles are filled with activated charcoal. When consumers are ready to dispose of pills -- vitamins, over-the-counter medicine, and prescribed drugs and narcotics -- they slip them into the bottle, where the charcoal neutralizes the pharmaceutical chemicals. When the bottles are full, consumers will send them back to the company, where they will be measured and sent to a company in Indiana that burns the contents, converting the waste into electricity.

What began in 2014 as one of Kenemore's research interests turned into a potential private-sector solution to a problem that has plagued the Environmental Protection Agency. When people throw away their old pills, they often end up in the water, whether they're flushed down the toilet or sent to a landfill. The EPA cannot solve water contamination from drugs, officials say, because their disposal is not regulated.

"Even if the bottle goes into the landfill, it's not going to end up in the water system, because they're in the activated charcoal," Kenemore said.

In September 2016, Stat-Med was assigned a mentor from SCORE. Mentors are not allowed to be paid by their clients. Mentors can help with business planning, marketing strategy and execution.

Stat-Med's mentor is Gregg Gimlin, a business consultant from Leawood, Kan., who has about 20 active SCORE clients. He said he meets with Kenemore less frequently than most clients, and describes Kenemore as someone who can run with an idea with little coaching.

"I don't have to check up on him a lot, I'll put it that way," Gimlin said. "He is very much a self-starter."

Kenemore said the company interviewed people in cities around Arkansas and California, where its majority shareholders live, and conducted about 55 water tests to map out its business plan. In the works now, he said, are contracts with about 10 cities. If they agree to the terms of the contract, city leaders will purchase a bottle for every household in the city's limits. Each bottle costs \$1.10. Kenemore said there will be no direct cost to the residents.

The most likely markets for the product are retirement communities, he said.

Ingredients for the neutralizing substance inside the bottles are sourced from companies in Minnesota and Texas. The bottles are assembled at Star Industries in Russellville and at Jonesboro-based Abilities Unlimited, which employs people who have mental or physical disabilities. Three workers can build about 400 bottles an hour.

"Really what drove us to winning [the award] was using the special-needs people to build the bottle," Kenemore said.

[http://www.theadvocate.com/baton\\_rouge/news/article\\_acd603e0-a212-11e7-bf9e-1342b93af3be.html](http://www.theadvocate.com/baton_rouge/news/article_acd603e0-a212-11e7-bf9e-1342b93af3be.html)

# Final settlements reached in 2013 blast at CF Industries plant; two subcontractors subject to multimillion dollar agreements

BY DAVID J. MITCHELL | [DMITCHELL@THEADVOCATE.COM](mailto:DMITCHELL@THEADVOCATE.COM) SEP 25, 2017 - 5:52 PM

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David Mitchell

**GONZALES** — The last two plaintiffs injured in a June 2013 nitrogen gas explosion at the CF Industries fertilizer complex near Donaldsonville reached undisclosed, multi-million dollar settlements with Cetco Energy Services and Airgas over the deadly incident at the Mississippi River plant.

The confidential settlements for then-CF employees Melvin Singleton and Kade Yarbrough were reached after attorneys finished closing statements in a three-week Ascension Parish jury trial, court transcripts say.

"This resolves the entire litigation. There are no more defendants. The case is over," plaintiff's attorney Andre' Gauthier said Monday.

*Story Continued Below*

But the settlements for these plaintiffs and for others over the past few years, attorneys said, means no court has ruled on liability in the blast that federal authorities concluded killed one worker and injured eight others. The U.S. Occupational Safety and Health Administration previously cited and fined CF Industries and Cetco Energy of Harvey, online records say.

Authorities have said a pressure vessel, or manifold, designed to distribute nitrogen gas from a gas tanker truck to the industrial facility ruptured, sending out deadly metal shrapnel and a blast wave. Cetco was delivering nitrogen to the plant under a contract Airgas had with CF Industries. An inert gas, the nitrogen was being used to purge air from a CF ammonia reactor and keep a catalyst in the reactor from igniting, court papers say.

Plaintiff's attorneys Gauthier, Jody Amedee and Rob Marionneaux had sought to prove that Cetco and Airgas were at fault for the blast due to Cetco's failure to use safe equipment and to monitor the gas delivery process during the tail end of the job. CF Industries, which was doing repairs to the ammonia reactor, had just terminated Cetco's services due to two near-accidents the previous two days. Cetco and CF employees were finishing a final delivery and in the process of gradually switching out Cetco's pumper truck when the blast happened, court papers say.

The suits claim Singleton and Yarbrough suffered serious injuries from the rupture, which did not produce fire but flying metal.

Gauthier, who represented Singleton with partner Amedee, said the defendants had sought to settle from the earliest days in the case, before trial and during the trial, steadily increasing the offer.

"We continued to push, and the jury went into deliberation and all I can tell is while the jury started deliberating, after that trial, that case got settled," Gauthier said.

Minutes show Singleton's settlement with Cetco and Airgas was reached about two and a half hours into jury deliberation late Thursday night. Yarbrough's settlement came shortly after closing arguments but before the jury retired for deliberation.

Gauthier and Amedee said they could not discuss the terms of Singleton's settlement due to a confidentiality agreement. Yarbrough was represented by Marionneaux, who didn't return calls Friday and Monday.

John Baay, who represented Cetco, declined to comment, citing the settlement's confidentiality. Betsy Kamin, who represented Airgas, did not return by Monday a message left at her office in Texas.

According to court minutes, both settlements were read out loud into the record late Thursday, but court officials refused to provide minutes, transcripts or other documents detailing the settlements, citing the confidentiality agreements.

Two people who wished to remain anonymous but were present in the courtroom Thursday night said Singleton received \$6.5 million. A third source, who also wished to remain anonymous and has knowledge of both settlements, said that Yarbrough received \$2.5 million.

Singleton and Yarbrough had previously reached out-of-court, pretrial settlements with other named defendants, including Mercer Valve Co., Standard Instrument Service and CS&P Technologies, Gauthier said. CF Industries and The Hartford insurance paid workers' compensation claims for CF's injured employees. As a result of the new settlements, CF's insurer must be reimbursed from the settlement funds, Gauthier said.

Four other injured plaintiffs were contractors working on the ammonia reactor.

The family of Ronald J. "Rocky" Morris Jr., a longtime CF Industries worker from Donaldsonville who was killed in the blast by flying metal, settled their case more than two years ago.

In response to the plaintiffs' accusations, Cetco and Airgas argued that CF Industries made a hasty and unsafe decision to replace Cetco in the middle of a turnaround with nitrogen gas still being pumped. Morris and other CF employees failed to do a hazard analysis in advance of the switch, pretrial court papers say.

A miscommunication between Yarbrough, and Morris and Singleton led Morris to close a last key valve on the manifold. The truck was still pumping gas into the manifold at the time, eventually causing the pressure vessel to fail, the companies alleged.

Gauthier said the plaintiff's team argued that the Cetco driver, Harold "Rock" McGrew, was not in the pumper truck and was using his cellphone in another truck 100 to 200 feet away while the pressure was rising dangerously in the manifold.

McGrew disputed that claim during a pretrial interview under oath, saying he didn't use the phone until he left the plant. He was then presented with his subpoenaed cellphone records, which showed he was on the phone minutes before the rupture, Gauthier said.

McGrew later acknowledged in another pretrial interview and then in court that he was using the phone but said he was in the pumper truck.

The plaintiffs put on evidence suggesting the pressure vessel was old and corroded, had poorly laid welds on key connection points, had little certification or inspection history and ruptured well below its maximum rated pressure, Gauthier said.

Gauthier said jurors saw pictures of the ruptured vessel's corroded interior and heard Cetco employees testify that the only inspection and certification paperwork they could find was a single page dating from 2006.

A defense expert argued, however, that a pressure release valve, a safety device, opened on the manifold and the escaping high-pressure gas caused the vessel to tumble and rupture, Gauthier said.

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**HURRICANE NEWS AND STORM TRACKING**

## Hurricane Lee is now the 5th major hurricane in 2017

Updated on September 27, 2017 at 10:32 AM

Posted on September 27, 2017 at 10:31 AM



Hurricane Lee was upgraded Wednesday, Sept. 27, 2017 to a Category 3 storm, making it the fifth major hurricane in 2017. (National Hurricane Center)

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**By Jennifer Larino,** [jlarino@nola.com](mailto:jlarino@nola.com),

NOLA.com | The Times-Picayune

Hurricane Lee is now a Category 3 storm, making it the fifth major Atlantic hurricane of the 2017 season. Lee is not expected to affect land.

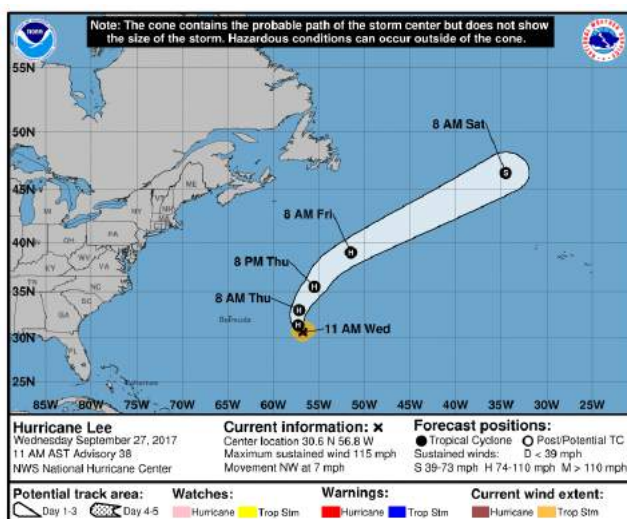
The National Hurricane Center said Wednesday morning (Sept. 27) that Lee's winds had increased to 115 miles per hour with higher gusts. The storm is located about 485 miles east-southeast of Bermuda and is expected to continue moving on a northwest path through the Atlantic Ocean over coming days.

Lee reaches major hurricane status as forecasters continue to track the progress of Hurricane Maria, which tore through the Caribbean and Puerto Rico last week before moving north alongside the U.S. East Coast. Maria is now located about 165 miles east of Cape Hatteras, North Carolina. The storm is expected to start moving away from the North Carolina coast Wednesday afternoon and take a northeast turn farther into the Atlantic Ocean.

Lee is moving northwest at 7 mph, a motion that forecasters expect to continue Wednesday. The storm is expected to weaken some as its path turns to the north Thursday and accelerates northeast by Friday, the National Hurricane Center said.

This year's major hurricanes (Category 3 or higher) include:

1. **Harvey**, which hit the Texas coast Aug. 26.
2. **Irma**, which hit the Caribbean and then the Florida Keys and southwest Florida Sept. 10.
3. **Jose**, which peaked as a category 4 on Sept. 9 before moving away from the Caribbean and back out into the Atlantic Ocean.
4. **Maria**, which tore through the Caribbean before hitting Puerto Rico as a Category 4 storm Sept. 20.
5. **Lee**, which formed into a hurricane Sept. 24.



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